

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VERONICA OMAR,)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
YATES SERVICES, LLC, and)	From the Circuit Court of Rutherford County,
ENVISION AESC US, LLC)	Tennessee, Case No. 76576
)	
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

Defendants Yates Services, LLC ("Yates") and Envision AESC US, LLC ("Envision") (collectively, the "Defendants"), pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446, respectfully submit this Notice of Removal for the purpose of removing the above-captioned action from the Circuit Court for Rutherford County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division.

As grounds for this Notice of Removal, Defendants state as follows:

1. Defendants appear, by and through counsel, for the limited purpose of removing this action from the Circuit Court for Rutherford County, Tennessee. Defendants reserve the right to raise all defenses and objections in this action after its removal to this Court.

2. On November 7, 2019, Plaintiff Veronica Omar ("Plaintiff") filed a Complaint in the above-captioned action styled *Veronica Omar v. Yates Services, LLC & Envision AESC US, LLC* in the Circuit Court for Rutherford County, Tennessee, Case No. 76576. In Plaintiff's Complaint, she asserted claims of gender discrimination under the Tennessee Human Rights Act ("THRA"), disability discrimination under the Tennessee Disability Act ("TDA"), and retaliation

under the THRA. (See original Compl. ¶¶ 18-45, attached as part of Ex. 1.) No claim based upon federal law was asserted.

3. Defendants were served with Plaintiff's original Complaint and timely filed Answers denying Plaintiff's claims. (See Yates' Answer to Complaint, attached as part of Ex. 1; see Envision's Answer to Complaint, attached as part of Ex. 1.)

4. Before filing the Complaint in the Circuit Court of Rutherford County, Plaintiff had filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on July 12, 2019 against Envision. In her EEOC charge, Plaintiff alleged that she was discriminated against based on her sex and disability and alleged she was retaliated against. (See Plaintiff's EEOC Charge attached as Ex. 2.)

5. On March 17, 2020, the EEOC issued a "Notice of Right to Sue (*Issued on Request*)" to Plaintiff, providing her with 90 days to file a lawsuit concerning any federal claims that she could assert. (See Notice of Right to Sue (Issued on Request) attached as Ex. 3.)

6. On June 9, 2020, the Circuit Court of Rutherford County signed an Agreed Order Amending Complaint, amending Plaintiff's Complaint to assert Plaintiff's claims of discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). The Agreed Order Amending Complaint and the Amended Complaint are included within Exhibit 1 to this Notice of Removal. With the entry of this Agreed Order, Plaintiff now asserts claims based on alleged violations of federal law.

7. Defendants are filing this Notice of Removal within 30 days of the entry of the Agreed Order Amending Complaint. As a result, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(3) because it is filed within 30 days after the entry of the Agreed Order Amending Complaint. The Amended Complaint permitted this case to be removed to this Court.

8. This Court has original jurisdiction over Plaintiff's Amended Complaint pursuant to the provisions of 28 U.S.C. § 1331. Defendants remove to this Court pursuant to 28 U.S.C. § 1441(a) by virtue of the fact that it is a civil action founded on a claim or right arising under the Constitution, treaties, or laws of the United States. Specifically, Plaintiff's Amended Complaint asserts causes of action under Title VII.

9. The Defendants consent to removal of this action.

10. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

11. In accordance with 28 U.S.C. § 1446(a), copies of all pleadings, process, and orders served upon Defendants in the state court suit are attached to this Notice as Exhibit 1. As required by 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal, with a copy of this Notice of Removal attached, will promptly be filed in the Circuit Court for Rutherford County, Tennessee.

WHEREFORE, Defendants hereby remove the action pending against it in the Circuit Court for Rutherford County to the United States District Court for the Middle District of Tennessee.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing was sent via the Court's electronic case filing system and e-mail to the following on this the 29th day of June, 2020:

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